

Rec'd PCT/PTO 09 NOV 2004

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Legal Staff  
International DivisionTHE UNITED STATES PATENT OFFICE IS REQUESTED TO IMPRESS ITS STAMP ON THIS CARD AND  
PLACE SAME IN THE OUT-GOING MAIL TO SHOW THE FOLLOWING PAPERS HAVE BEEN RECEIVEDBOH6278P0010US  
LVM/aa

## TRANSMITTAL OF DOCUMENTS

- 1) Petition for Removal of a Holding of Abandonment Under 37 CFR 1.181(a);
- 2) Copy of the Notification of Abandonment (Exhibit A, 1 page);
- 3) Copy of Response to Notification (Exhibit B, 2 pages);
- 4) Copy of Statement;
- 5) Copy of Notification to Comply with Requirements;
- 6) Sequence listing disk;
- 7) Copy of the return-self addressed post card;
- 8) This return postcard for:



U.S. Patent Application Serial No. 09/890,684  
Inventor: Bullerdick et al.  
Filed: 08/03/01  
Express Mail No: EV 348841303 US

May 6, 2004

WOOD, PHILLIPS, KATZ, CLARK &amp; MORTIMER

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

|             |                                |   |                 |     |
|-------------|--------------------------------|---|-----------------|-----|
| Applicant:  | Jorn Bullerdiek et al.         | ) | Group Art Unit: | N/A |
| Serial No.: | 09/890,684                     | ) | Examiner:       | N/A |
| Filed:      | August 3, 2001                 | ) |                 |     |
| For:        | Preparation for the Prevention | ) |                 |     |
|             | And/or Treatment of a Tissue   | ) |                 |     |
|             | Change of Mesenchymal          | ) |                 |     |
|             | Origin                         | ) |                 |     |

Commissioner For Patents  
PO Box 1450  
Alexandria, VA 22313-1450

**Petition for Removal of a Holding of Abandonment Under 37 CFR 1.181(a)**

A Notice of Abandonment was mailed in the above-identified application on April 26, 2004 (Exhibit A).

A Notification to Comply with Requirements For Patent Applications containing Nucleotide and/or Amino Acid Sequence Disclosures was mailed on the above-identified application on September 15, 2003 (hereinafter referred to as the "Notice"). The Notice stated that the computer readable form of the sequence listing was found to be damaged and/or unreadable. A substitute computer readable form was requested. The Notice provided a period of two months from the mailing date to file a response (i.e. to November 15, 2003).

On Monday, November 17, 2003 (November 15, 2003 was a Saturday), the undersigned attorney sent, via first class mail to the Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450, a substitute computer readable form of the sequence listing and a statement by Armin K. Bohmann stating that the contents of the paper or compact disc and computer readable form were the same and involved no new matter. A return stamped-self addressed post card, listing these items was included and stamped by the US PTO as being received on November 20, 2003 (see Exhibit B).

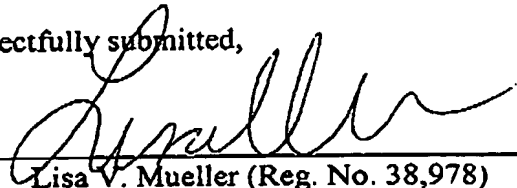
The undersigned attorney submits that a Response to the Notice was timely filed and that the holding of abandonment is in error should be removed. Also, because the substitute computer readable form of the sequence listing has apparently been lost by the US PTO, the undersigned attorney herein submits a copy of the sequence listing filed on November 17, 2003.

The undersigned attorney submits that this Petition for the Removal of a Holding of Abandonment Under 37 CFR 1.181(a) has been timely filed (i.e., less than two (2) months after the mailing date of the Notice of Abandonment).

If any additional fees are incurred as a result of the filing of this paper, authorization is given to charge deposit account number 23-0785.

Respectfully submitted,

By

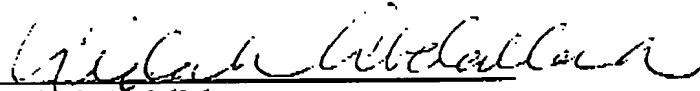


Lisa V. Mueller (Reg. No. 38,978)  
Attorney for Applicant

WOOD, PHILLIPS, KATZ, CLARK & MORTIMER  
500 W. Madison St., Suite 3800  
Chicago, Illinois 60661  
(312) 876-1800

**Certificate of Mailing under 37 CFR 1.8**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as Express mail with Express Mail No: EV 348841303 US in an envelope addressed to: Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450 on May 6, 2004.

  
Aidah Abdallah



UNITED STATES PATENT AND TRADEMARK OFFICE

 UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1455  
 Alexandria, Virginia 22313-1455  
 www.uspto.gov

|  |  |                                |
|--|--|--------------------------------|
| U.S. APPLICATION NUMBER NO<br>09/890,684       | FIRST NAMED APPLICANT<br>Jorn Bullerdick | ATTY DOCKET NO<br>BOH6277P0001 |
| INTERNATIONAL APPLICATION NO<br>PCT/DE00/00364 |  |                                |
| 1A FILING DATE<br>02/04/2000                   | PRIORITY DATE<br>02/04/1999              |                                |

 32116  
 WOOD, PHILLIPS, KATZ, CLARK & MORTIMER  
 500 W. MADISON STREET  
 SUITE 3800  
 CHICAGO, IL 60661

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 APR 30 2004

CONFIRMATION NO. 6746

 371  
 ABANDONMENT/TERMINATION  
 LETTER

\*OC000000012443466\*

WOOD, PHILLIPS, ET AL

Date Mailed: 04/26/2004

## NOTIFICATION OF ABANDONMENT

The United States Patent and Trademark Office in its capacity as a Designated / Elected Office (37 CFR 1.495) has made the following determination:

- Applicant has failed to respond to the notification of MISSING REQUIREMENTS (Form PCT/DO/EO/905), mailed 09/15/2003 within the time period set therein.

Therefore, the above identified application failed to meet the requirements of 35 U.S.C. 371 and 37 CFR 1.495, and is ABANDONED AS TO THE UNITED STATES OF AMERICA.

INDIA L EVANS

Telephone: (703) 305-2936

PART 1 - ATTORNEY/APPLICANT COPY

FORM PCT/DO/EO/909 (371 Abandonment Notice)

BEST AVAILABLE COPY

EXHIBIT B**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

|             |                                |   |                 |     |
|-------------|--------------------------------|---|-----------------|-----|
| Applicant:  | Jorn Bullerdiek et al.         | ) | Group Art Unit: | N/A |
| Serial No.: | 09/890,684                     | ) | Examiner:       | N/A |
| Filed:      | August 3, 2001                 | ) |                 |     |
| For:        | Preparation for the Prevention | ) |                 |     |
|             | And/or Treatment of a Tissue   | ) |                 |     |
|             | Change of Mesenchymal          | ) |                 |     |
|             | Origin                         | ) |                 |     |

Mail Stop Missing Parts  
 Commissioner For Patents  
 PO Box 1450  
 Alexandria, VA 22313-1450

**Response to Notification to Comply with Requirements for Patent Applications  
 Containing Nucleotide and/or Amino Acid Sequence Disclosures**

In response to the Response to Notification to Comply with Requirements for Patent Applications Containing Nucleotide and/or Amino Acid Sequence Disclosures mailed on September 15, 2003 in connection with the above-identified application, Applicants herewith enclose:

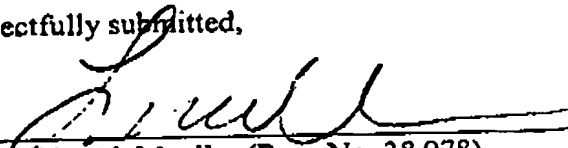
(a) A substitute computer readable form (CRF) of the "Sequence Listing" (corrected); and

(b) A statement by Armin K. Bohmann that the contents of the paper or compact disc and the computer readable form are the same and, where applicable, include no new matter, as required by 37 CFR Sections 1.821(e), 1.821(f), 1.821(g), 1.825(b) or 1.825(d).

If any additional fees are incurred as a result of the filing of this paper, authorization is given to charge deposit account number 23-0785.

Respectfully submitted,

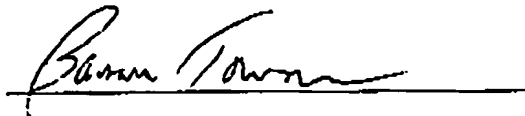
By

  
 Lisa V. Mueller (Reg. No. 38,978)  
 Attorney for Applicant

WOOD, PHILLIPS, KATZ, CLARK & MORTIMER  
 500 W. Madison St., Suite 3800  
 Chicago, Illinois 60661  
 (312) 876-1800

**Certificate of Mailing under 37 CFR 1.8**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop Missing Parts, Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450 on November 17, 2003.



I understand that the United States Patent and Trademark Office will not accept a certificate of mailing as evidence of the date of filing of an application for a patent.

**BOHMANN & LOOSEN****Anwaltssozietät**

US Serial No. 09/890,684

Our ref.: B 10007 US

**Statement**

It is herewith declared that the content of the sequence listing in the paper format or computer readable format are the same and do not involve any new matter.

Additionally, it is declared that the information recorded on the data carrier is identical to the written sequence listing forwarded herewith.

Munich, November 14, 2003

**BOHMANN & LOOSEN**  
Armin K. Bohmann**Enclosure:**

Sequence listing in paper format

Disk with sequence listing



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

|   |  |                                 |
|---|--|---------------------------------|
| U.S. APPLICATION NUMBER NO.<br>09/890,684 | FIRST NAMED APPLICANT<br>Jorn Bullerdick | ATTY DOCKET NO.<br>BOH6277P0001 |
|---|--|---------------------------------|

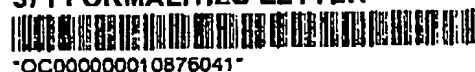
|   |
|---|
| INTERNATIONAL APPLICATION NO.<br>PCT/DE00/00364 |
|---|

|                              |                             |
|------------------------------|-----------------------------|
| 1A FILING DATE<br>02/04/2000 | PRIORITY DATE<br>02/04/1999 |
|------------------------------|-----------------------------|

32118  
WOOD, PHILLIPS, KATZ, CLARK & MORTIMER  
500 W. MADISON STREET  
SUITE 3800  
CHICAGO, IL 60661

RECEIVED  
OCT 14 2004

CONFIRMATION NO. 6746  
371 FORMALITIES LETTER



\*OC000000010876041\*

Date Mailed: 09/15/2003

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

### NOTIFICATION TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE AND/OR AMINO ACID SEQUENCE DISCLOSURES

Applicant is given **TWO MONTHS FROM THE DATE OF THIS NOTICE** within which to file the items indicated below to avoid abandonment. Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

The following items **MUST** be furnished within the period set forth below:

- The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 CFR 1.821-1.825 for the following reason(s):
  - The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A substitute computer readable form must be submitted as required by 37 CFR 1.825(d).
  - **APPLICANT MUST PROVIDE:**
    - An initial or substitute computer readable form (CRF) of the "Sequence Listing."
- For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:
  - For Rules Interpretation, call (703) 308-4216
  - To Purchase PatentIn Software, call (703) 306-2600
  - For PatentIn Software Program Help, call (703) 306-4119 or e-mail at [patin21help@uspto.gov](mailto:patin21help@uspto.gov) or [patin3help@uspto.gov](mailto:patin3help@uspto.gov)

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

INDIA L EVANS

Telephone: (703) 305-2936

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|   |   |                                 |
|---|---|---------------------------------|
| U.S. APPLICATION NUMBER NO.<br>09/890,684 | INTERNATIONAL APPLICATION NO.<br>PCT/DE00/00364 | ATTY DOCKET NO.<br>BOH6277P0001 |
|---|---|---------------------------------|

FORM PCT/DO/EO/922 (371 Formalities Notice)

THE UNITED STATES PATENT OFFICE IS REQUESTED TO IMPRESS ITS STAMP ON THIS CARD AND  
PLACE SAME IN THE OUT-GOING MAIL TO SHOW THE FOLLOWING PAPERS HAVE BEEN RECEIVED

BOH6278P0010US  
LYM/bjt

# TRANSMITTAL OF DOCUMENTS

- 1) Response to Notification to Comply with Requirements and Certificate of Mailing;
- 2) A Substitute computer readable form (CRF) of the "Sequence Listing";
- 3) An executed statement by Armin K Bohmann; and
- 4) This return postcard for:

U.S. Patent Application Serial No. 09/890,684  
Inventor: Bullerdick et al.  
Filed: 08/03/01



November 17, 2003

DT14Rec'd PCT/PTO 20 NOV 2003

WOOD, PHILLIPS, KATZ, CLARK & MORTIMER